

RECEIVED
CENTRAL FAX CENTER

DEC 12 2008

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Serial No. : 10/629,108

Applicants : Kazuo KOYAMA et al.

Filed : July 28, 2003

For : BENZYLAMINE ANALOGUES

Art Unit : 1625

Examiner : Dr. Taofiq A. SOLOLA

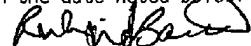
Docket No. : 03338CIP/HG

Confirm. No. : 6344

Customer No. : 01933

CERTIFICATE OF FACSIMILE
TRANSMISSION
PTO NO. 1-571-273-8300

TOTAL PAGES: 2
I hereby certify that this
paper is being facsimile
transmited to the
Commissioner for Patents
on the date noted below.



Attorney: Richard S. Barth

Dated: December 12, 2008

In the event that this Paper
is late filed, and the
necessary petition for
extension of time is not filed
concurrently herewith, please
consider this as a Petition
for the requisite extension of
time, and to the extent not
tendered by Form PTO-2038
attached hereto, authorization to
charge the extension fee,
or any other fee required
in connection with this
Paper, to Account No. 06-1378.

LETTER RE: NOTICE OF NON-COMPLIANT
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP ISSUE FEE

S I R :

It was alleged in the NOTICE OF NON-COMPLIANT INFORMATION
DISCLOSURE STATEMENT mailed December 9, 2008 that the Information
Disclosure Statement ("IDS") filed October 24, 2008 is not
compliant with 37 CFR 1.97(d) because the IDS lacked a statement
as specified in 37 CFR 1.97(e). The allegation is incorrect for
the following reasons.

The aforementioned IDS filed on October 24, 2008 was filed
after the submission of an RCE on October 8, 2008 and before the

mailing of a Notice of Allowance on November 18, 2008, and therefore it was timely filed under 37 CFR 1.97(a)(4), which is reproduced as follows:

"(b) An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following periods:

* * *

(4) Before the mailing of a first Office action after the filing of a request for continued examination under §1.114."

In view of the above, consideration of the aforementioned IDS is respectfully requested.

Respectfully submitted,



RICHARD S. BARTH
Reg. No. 28,180

Frishauf, Holtz, Goodman
& Chick, P.C.
767 Third Ave., 25th floor
New York, NY 10017-2023
Telephone: (212) 319-4900
Facsimile: (212) 319-5101
E-Mail Address: BARTH@FHGC-LAW.COM

HG/lpv